

JUL 18 2014

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Western Division (Raleigh)
Case No. 5:14-cv-365

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
DEP CLK
BY 

Stephen Thomas Yelverton)	MOTION TO STRIKE SUBMISSIONS
Plaintiff)	FROM WHITE & ALLEN, P.A.
)	
v.)	
)	Request for Oral Hearing
Yelverton Farms, Ltd., and)	
Phyllis Y. Edmundson)	
Defendants)	

COMES NOW, Plaintiff Stephen Thomas Yelverton, Pro Se, pursuant to LCvR, Rule 7.1, and hereby submits his Motion to Strike submissions from the law firm of White & Allen, P.A., which were lodged in the Docket on July 14, 2014.

Statement of the Facts

1. On July 14, 2014, the law firm of White & Allen, P.A., submitted to the Clerk a Letter and attachments, which was not a Motion, with no proposed Order, and where it had filed no Notice of Appearance. The Letter attacked Plaintiff Yelverton, and was in contravention of the Order, entered July 11, 2014, where the Judge directed White & Allen, P. A., not to make any submissions without first filing a Notice of Appearance.

Points and Authorities and Arguments in Support of Striking the Submissions

2. The Letter and attachments from White & Allen, P.A., are in violation of FRCP, Rule 7 (b)(1), which require that a request for a Court Order be made by Motion. It refused to comply because the actual purpose of the submission is only to prejudice the Plaintiff, and such improper purpose could not be formally acknowledged in a proposed Order.

3. The Letter is moreover in contravention of the Order for White & Allen, P.A., to make no submissions without first filing a Notice of Appearance.

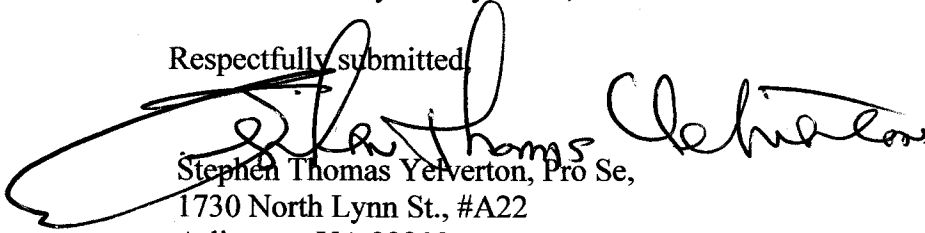
4. Accordingly, the Letter and attachments must be stricken from the Record as being in violation of FRCP, Rule 7 (b)(1), and the Order, entered July 11, 2014.

Conclusions

WHEREFORE, in view of the foregoing, is it requested that the Letter and attachments be stricken from the Record.

This the 18th day of July, 2014,

Respectfully submitted,



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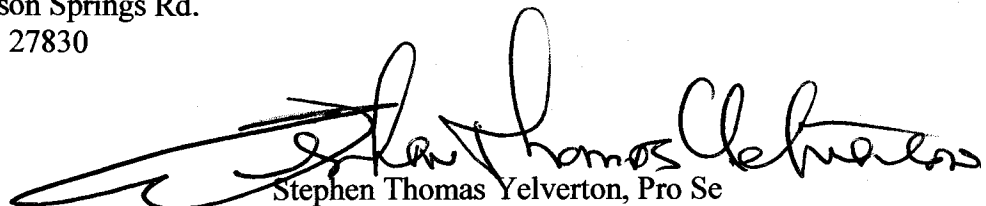
CERTIFICATE OF SERVICE

I, Stephen Thomas Yelverton, Pro Se, hereby certify that a copy of this Motion to Strike was served on the 18th day of July, 2014, by U.S. Mail, first class, to:

John P. Marshall, Esq.
Matthew S. Sullivan, Esq.
White & Allen, P.A.
P.O. Box 3169
Kinston, N.C. 28502-3169
announced Counsel for Defendants, but has not filed a Notice of Appearance

Phyllis Y. Edmundson
145 Edmundson Springs Rd.
Fremont, NC 27830

Yelverton Farms, Ltd.,
c/o Phyllis Y. Edmundson
145 Edmundson Springs Rd.
Fremont, NC 27830



Stephen Thomas Yelverton, Pro Se